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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,641	04/12/2004	Kimmo Hamynen	NOKM.092PA	1940
76385 7590 10/20/2008 Hollingsworth & Funk, LLC 8009 34th Avenue South Suite 125 Minneapolis, MN 54425				
EXAMINER				
PATEL, HARESH N				
ART UNIT		PAPER NUMBER		
2454				
MAIL DATE		DELIVERY MODE		
10/20/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/822,641

Applicant(s)

HAMYNEN ET AL.

Examiner

HARESH N. PATEL

Art Unit

2454

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-40 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-40 are presented for examination.
2. Applicant's amendment to the claims dated 7/15/2008 is acknowledged.
3. The amendment to the claims dated 7/15/2008 has been done in response to the office action dated 6/6/2008. Amendment to the claims dated 7/15/2008 was neither proposed nor required by the office action dated 6/6/2008. Considering the applicant's amendment to the claims, which alter the scope of the claimed subject matter of the claims, this office action contains updated election/restriction requirement.
4. Considering the applicant's statements dated 7/15/2008, i.e., Applicant is not afforded an opportunity to provide a reasoned response, etc., this office action has been provided.
5. Considering the applicant's amendments to the claims, the applicant is suggested to present further claims for method with the subject matter of claims 26-31 and 38-40 and computer storage medium with the subject matter of claims 26-31 and 38-40; which would fall into the Group III. (Note: This is a suggestion for expediting the prosecution of this case).

Considering the applicant's amendment to the claims below is the updated Groups:

Election/Restrictions

6. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-25, are drawn to, "obtaining a location update relative to a position of a mobile terminal, receiving filtered results according to the location criteria,

- automatically displaying the updated results in response to the relative position of the mobile terminal”, classified in class 709, subclass 203.
- II. Claims 32-37, are drawn to, “content provider containing Web pages that include eXtensible Markup Language (XML) to define location information associated with the Web pages with information containing within and XML file”, classified in class 715, subclass 239.
- III. Claims 26-31, 38-40, are drawn to, “user interface to display menu options containing a general search option that returns Web content irregardless of location tags, location search option, a user centric search option etc”, classified in class 715, subclass 700.
7. Considering the amendments to the claims dated 7/15/2008, The restriction is based on Subcombination not essential to combination, “Since claims to both the subcombination and combination are presented, the omission of details of the claimed subcombination Bsp in the combination claim ABbr is evidence that **the combination (claims 1-25) does not rely upon the specific limitations of the subcombination (claims 32-37) (claims 26-31, 38-40) for its patentability.** Claims 1-25 does not rely upon content provider containing Web pages that include eXtensible Markup Language (XML) to define location information associated with the Web pages with information containing within and XML file, etc (NOTE: further elements of the claimed subject matter of claims 32-37 that are not relied upon by the claims 1-25 for its patentability are not included at this time for simplicity). Similarly, Claims 1-25 does not rely upon user interface to display menu options containing a general search option that returns Web

content irregardless of location tags, location search option, a user centric search option etc

(NOTE: further elements of the claimed subject matter of claims 26-31, 38-40 that are not relied upon by the claims 1-25 for its patentability are not included at this time for simplicity).

8. Considering that it would be a serious burden for examining all three groups, the election/restriction requirement has been done. The applicant's deletion of few elements from the claims of different groups would not alter the fact that the Group I search (claims under Group I) would require use of search class 709, subclass 203 (not required for the inventions II-III). Group II search (claims under Group II) would require use of search class 715, subclass 239 (not required for the inventions I, III). Group III search (claims under Group III) would require use of search class 715, subclass 700 (not required for the inventions I, II).

9. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). Note: This office action is provided again so that the applicant is afforded an opportunity to provide a reasoned response as requested.

10. A shortened statutory period for response to this action is set to expire 0 (zero) months and 30 (thirty) days from the mail date of this letter. Failure to respond within the period for response will result in ABANDONMENT of the application (see 35 U.S.C. 133, MPEP 710.02, 710.02(b)).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

Primary Examiner, Art Unit 2454

10/13/2008